IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12959 of 2004

Between:

1 Sri. S.M. Balasubramanyam, S/o. Late S. Mallaiah,
R/o. 221, Ahamrest Road, Bolaram, Secunderabad.
2 Dr. S.M. Ahalya, S/o. Late S. Mallaiah,
R/o. 221, Ahamrest Road, Bolaram, Secunderabad.
3 Sri. S.M. Karan Veer, S/o. Late S. Mallaiah,
R/o. 221, Ahamrest Road, Bolaram, Secunderabad.
4 SRI. S.M. Susheel Kumar, S/o. Late S. Mallaiah,
R/o. 221, Ahamrest Road, Bolaram, Secunderabad.
5 Smt. S.M. Asha , D/o. Late S. Mallaiah,
R/o. 221, Ahamrest Road, Bolaram, Secunderabad.
6 Ms. S.M. Sai Nalini, D/o. Late S. Mallaiah,
R/o. 221, Ahamrest Road, Bolaram, Secunderabad.

..... PETITIONER(S)

AND

1 The Mandal Revenue Officer, Shamirpet Mandal, Ranga Reddy District,
Shamirpet.
2 The District Collector, Ranga Reddy District, Office at
Lakdi-ka-pul, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of a Writ of

Mandamus directing the Respondents to issue Patta Pass Book and Title Book in respect of the lands to an extent of Ac.10.00 Gts in S.No.s 433 & 434, Malkaram Village, Medchal Taluq, Hyderabad District (Now Ranga Reddy District) possessed and occupied by Late Sri S.Mallaiah, father of the Petitioners.

Counsel for the Petitioners:MR.JAVED RAZACK

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The only grievance of the petitioners ventilated in the present writ petition is that their father was a member of Jawaharnagar Land Colonisation Cooperative Society for Ex-Servicemen and during his life time, he was allotted Acs.10-00 guntas of land in Survey Nos.433 and 434, Malkaram Village, Medchal Taluq, Hyderabad District and after his death, the respondents are not issuing pattedar passbooks in their favour in the light of G.O.Ms.No.17, dated 05-01-1976 in spite of their representation. Hence, the present writ petition.

Learned Government Pleader for Revenue appearing for the respondents, on instructions, submits that in fact, father of the petitioners was assigned only Acs.5-00 Guntas of land and entitled to the benefits under G.O.Ms.No.17, dated 05-01-1976, wherein, it was held that the original allottees or their legal representatives, who are in continuous occupation of the land in question are first be accommodated on the land and only after the requirement of Ex-servicemen, the claims of other eligible landless poor of the area would be considered. In view of the same, the case of the petitioners will be considered based upon the original allotment made in their favour.

In view of the above, it is for the respondents to consider the representation of the petitioners in the light of the above mentioned G.O., and it is needless to add that they have to conduct an enquiry after due notice to the petitioners and pass appropriate orders as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No costs.

26th JULY, 2004

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To

1 The Mandal Revenue Officer, Shamirpet Mandal, Ranga Reddy District, Shamirpet.
2 The District Collector, Ranga Reddy District, Office at Lakdi-ka-pul, Hyderabad.

3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad. (OUT).

4 Two CD copies.